

7th April 1955]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—GOVERNMENT BILLS.

(1) THE MADRAS CINEMAS (REGULATION) BILL, 1954 (L.A. BILL NO. 52 OF 1954).

THE HON. SRI C. SUBRAMANIAM :—“ Sir, a request has been made to me that the Court Fees Bill may be taken up first and the others afterwards. As far as I am concerned I have no objection to comply with the request. But perhaps we may finish the small Bills first and take up the Court Fees Bill last.”

HON. MEMBERS :—“ Yes.”

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Deputy Chairman, Sir, I move—

‘ That the Madras Cinemas (Regulation) Bill a, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be taken into consideration.’

Sir, hon. Members are aware that after the passing of the Constitution, the censorship of films is within the jurisdiction of the Union Government and the exhibition of films is within the jurisdiction of the State Government. But with reference to these aspects we were so far governed by the Central Act. Now as far as the Centre is concerned, they have passed a separate Act for matters connected with them but we still continue to have the Central Act, that is, for the purpose of exhibition of films and all other connected matters. Because of the recent decision of the Supreme Court, it became necessary to amend the existing Act. Taking advantage of that we are bringing in this new measure and the legislature is exclusively competent to deal with the subject. This Bill was considered by the Select Committee of the Legislative Assembly. I am happy to say they have made some very good changes and in the right direction. With these changes the Bill was passed by the Legislative Assembly. It has now come before this House for its approval. The main changes made now are in respect of grant of licences to exhibitors for the running of theatres. Formerly the entire discretion vested in the licensing authority. No guiding principle was laid down for the grant or refusal of a licence, except for the fact that he should not grant a licence unless certain conditions were satisfied. Even if those conditions were satisfied, whether to grant a licence or not was entirely within the discretion of that officer. Of course, Government was the appellate authority against such orders. Now we have laid down broad principles which will have to be taken into consideration by the licensing authority in granting or refusing a licence. In all these matters we cannot go into details. Therefore only broad principles have been laid down and further details will be laid down in the rules.

“ Various representations have been made to the Government that there is a great deal of difficulty in getting a licence, that there is a duplication of authorities and that a person has to go

10-10
a.m.

[Sri C. Subramaniam] [7th April 1955]

before four or five authorities before getting a licence for running a theatre. The Government propose to look into all these things and lay down in the rules a simplified procedure. It was particularly brought to our notice that formerly anti-fire precautions were being taken because the films were combustible and now the material out of which the films were produced had changed and that the films were non-combustible and the same amount of safety measures were not necessary. All these things will be taken into consideration when we lay down rules. The Government also have agreed to consult the interests concerned before finalizing the rules.

"Then, with reference to appellate powers, the Government thought that it was not necessary for them to have those powers and that they should be vested in another appellate authority to dispose of appeals against the orders of the licensing authority. The Government as such need not be in the picture.

"Sir, the most controversial portion of the Bill which necessitated the Government to review the position and bring in this Bill, is with reference to the exhibition of what is called 'approved films.' Hon. Members are aware that only story films are being shown in all the theatres and naturally they attracted a great crowd. The Government are of the view that since most of the people attend cinemas and cinemas are very popular, that opportunity should be availed of for the purpose of educating the public. After all, we take so many measures for spreading adult education and other kinds of visual education. But here is an opportunity and an occasion wherein lakhs gather everyday in a large number of theatres and that occasion should be availed of to see that certain educative films, otherwise called approved films, are shown. Unfortunately there is no production in the private sector as far as educative films are concerned. It is being exclusively done by the Films Division of the Government of India but it is our hope that the private industry also will help and they will also be able to produce these documentary and other educative films. Sir, the Films Division deals, in a large way, with every matter relating to the entire country and so much so, there is no regional emphasis as far as those documentary films are concerned. Unless the private industry comes into the picture and produces documentary and other educative films with emphasis on regional events and regional subjects, it may not be possible to have a large number of films which would be interesting enough and educative enough for the large masses living in our State and in the southern region. I am hoping that the private film industry would come into the picture. Apart from that, we have made representations to the Government of India that a little more emphasis should be laid on events and subjects in South India particularly in the Madras State and the Government of India have proposed to look into the matter and they may extend the activities of the Films Division in the Madras State. These are the main features of the Bill and I hope it will have the approval of this House."

7th April 1955]

DEPUTY CHAIRMAN :—" Motion moved—

' That the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be taken into consideration.' "

* SRI V. GURUNANDAN ROW :—" Mr. Deputy Chairman, Sir, I rise to oppose this Bill not because I am in any way opposed to the regulation of cinema theatres but because the Bill, as drafted, seems to offend against the freedom of exhibiting films altogether. Clause 3 of this Bill says—

'. . . . no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act'

If that is read, it would mean that if I want to show a film in my own house, I must have my house licensed. Such a restriction, I say, is not in consonance with the Constitution as it encroaches upon the right of freedom of speech and expression. The exhibition of a cinema comes under the right of freedom of expression. No one objects to the Government coming in and placing restrictions on the cinema houses which are run as a business so that such houses will take safety precautions against fire and provide proper ventilation and other facilities. No reasonable man can say that such restrictions should not be there. In fact those restrictions are perfectly all right. But here clause 3 specifically says that if I am in possession of a film and want to show it in my house, I must take out a licence. It is not quite clear to me whether I can take out a licence for a place which does not belong to me or I can show the film only in a theatre which has been given a licence. If the film is to be shown only in a theatre, then the film distributors will have to be completely in the hands of theatre owners unless they themselves have their own theatres. It means that they cannot show it anywhere else, but can show it only in a place which is licensed. How can I take out a licence in respect of a place which I do not own? Suppose I want to exhibit it in one show or in a particular day. Does it mean that I have to get a licence for that particular day? Clause 3 is not quite clear and I think that it applies to all sorts of films including 16 mm. films. Sir, I also have a doubt that this matter comes within the competence of the Parliament and not the State Legislature because mention has been made in item 60 of the Central Legislation List about the sanctioning of a cinematograph film for exhibition. That means sanction for exhibition and it does not merely mean censorship only. Parliament has passed an Act providing for sanction to exhibit a film. So, I say that the State Legislature is not competent to pass a legislation which prevents a person from showing a film to a private audience in any place. I submit that such a legislation will be definitely contrary to the Constitution. Then, Sir, I would invite the attention of the Hon. Minister to the broad principles laid down for the purpose of guiding the licensing authority to grant or not to grant a licence. It is strange that the Government should say that the status and

[Sri V. Gurunandan Row] [7th April 1955]

the previous experience of the applicant have to be taken into consideration. What is the meaning of 'status and previous experience of the applicant' in the case of exhibition of a film for one or two days or just for a week or in the case of a touring cinema going from one place to another? In what ways are the status and previous experience of the applicant necessary, I cannot understand. This will mean that because a person has no previous experience, he should not be granted a licence. Another person, who is already there, will have the monopoly of it.

"Then, the other broad principle laid down in clause 5 which the licensing authority should take into consideration is 'the adequacy of existing places for the exhibition of cinematograph films in the locality'. In whose interest has this clause been laid down? Does it mean that the existing cinema theatres are adequate and that there should be no more cinema theatres? Is it the Government's intention that there should be one theatre for a particular number of people residing in a locality? If so, let it be made clear. What is the meaning of 'adequacy of existing places for the exhibition of cinematograph films in the locality'? Who is to decide about the adequacy of the cinema theatres or otherwise? Is not the establishment of extra cinema houses good for the people, if it is considered as an entertainment or as having some educational value? Why should there be any restriction as to the number of licences to be granted in a particular locality?

"Then the most important condition laid down is the possession by the applicant of other places, if any, licensed under the Act. I cannot understand what this has to do with public interest. Why should you restrict a man from taking out a further licence? If he has got another place, why should he not be granted licence to a new place?

"Actually the principles laid down here have been taken from the Road Traffic Code. I think more or less the same conditions are there in section 45. This is not a case where even the Government say that only a certain number of cinemas can exist whereas in the grant of bus permits it is not like that. When a route is open and when the Government have to issue a new licence, they have to choose between X, Y and Z. Anybody can apply for that route and there the status and previous experience of the applicant will have to be taken into consideration because it is a service which is absolutely essential for the transport of passengers. Something on the lines of the Road Traffic Code has been put into this Bill.

"Another most objectionable feature is that laid down in sub-clause (4) of clause 5 which says: 'The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films to licensing authorities; and

7th April 1955] [Sri V. Gurunandan Row]

every licensing authority shall give effect to such orders and directions.' Such a condition existed in the Road Traffic Code also and that was replaced after a lot of litigation. For example, in the case of bus permits the Government used to give a direction one day that monopoly should be supported. On another day, by issuing another order, they will say that new comers should be encouraged. There were a lot of complaints and later on some power of revision was vested in the Government. We find the same objectionable feature here also. For all these reasons, I oppose this Bill."

* SRI G. KRISHNAMOORTHY:—" Mr. Deputy Chairman, Sir, I wholeheartedly welcome this Bill. In fact, I expected the Government to bring in a more rigorous Bill. Cinemas are powerful media of education which create the visual appeal, the everlasting and indelible appeal in the minds of men. When such has been the case, somehow or other, we have been allowing all these days all sorts of films to be exhibited and witnessed by the public. Then we found that there should be some censorship and now we have got censorship. The State Government have got powers only to regulate the cinemas and they have now come forward with this Bill to regulate the cinemas.

" But I am very sorry that they have not come forward to regulate the advertisements with regard to these cinemas. The visual appeal creates a very strong impression and hence it is the duty of the Government to see that proper pictures are shown to the public to give that indelible and everlasting appeal. After all, education is a very comprehensive subject, and all that goes to appeal to the mind of a person through the sense of sight comes under education. If Government really do not want to waste the sum of Rs. 11 crores that they are spending on education, it is their duty to see that proper pictures are exhibited. The Government must especially see that nothing that poisons the juvenile minds in their plastic stage should enter in the pictures. Now, there are parents who advise their children not to go to the cinemas. There are teachers who advise their children not to go to the cinemas and there are children who have made up their minds not to go to the cinemas, but in spite of that steadfast vow their eyes are attracted to the posters pasted on the walls in the main road especially in big cities like Madras. Nowadays we are not able to see brick and mortar on the walls, not even the cement plaster but we are able to see only paper. What paper? It is coloured paper. What is it full of? Pictures which poison the juvenile mind, pictures that put anti-social ideas into the plastic minds. Is it not the duty of the Government to come forward and bring an amendment to this Bill, even after it is passed, to see that these advertisements do not appear on the walls? By all means, if the films have been censored, let the advertisements appear in front of the cinema theatres, but not on all the walls on the road, anywhere and

[Sri G. Krishnamoorthi] [7th April 1955]

everywhere. So, I would earnestly request the Government to see that an additional clause is inserted in this Bill to see that such advertisements are regulated so that advertisements which are likely to poison young minds and impart wrong ideas and which are likely to create anti-social elements in society are not exhibited anywhere and everywhere and on any wall and every wall. Sir, the pictures exhibited in the cinema houses are, of course, censored. But that does not mean that we cannot improve censorship or that we cannot suggest ideas to the Central Government to make the censorship still more strict. In spite of the character that we put into the children in our schools, all the good ideas are taken away and nullified by one bad poster on the wall. Now, if the Government really think that it is their duty to put character into the boys, if they think that character is a bundle of habits, and if they admit that a habit is formed by association—association through not only friendship but also through pictures—they will recognise the psychological factor that the sense of sight is the most indelible appeal and they must come forward to see that bad ideas are not put into the minds of pupils either through posters or through films or pictures. I am glad that the Government, through this legislation, have come forward to see that one-fifth of the time for each show is reserved for exhibiting films having a scientific or educative value. I am glad that they are trying to show educational, cultural, scientific and informative films at least for one-fifth of the time of each show. I would have welcomed a larger share of time allotted for exhibition of films having a scientific or educative value. Of course, objection to exhibition of such films has been taken by cinema proprietors. The Government have rightly pointed out that ultimately it is the tax-payer who is paying the money for seeing such films. It is the duty of the Government to see that nothing but purely educational, scientific and religious pictures are exhibited. With these remarks, I wholeheartedly support the Bill and I expect a still more rigorous Bill to be brought forward by the Government later on."

SRI V. CHAKKARAI CHETTY :—" Mr. Deputy Chairman, Sir, I just want to say a few words on this Bill. I do not want to enlarge upon the arguments based upon the various articles contained in the Constitution whether such a Bill as this does not offend the principles of the Constitution dealing with the freedom of the individual and with the freedom of expression. It is all right for the Government to come forward and say that they want this Bill to be passed for the regulation of exhibitions by means of cinematographs in the State. They want to regulate everything and 'regulation' is the principal idea of some of our State Governments and the Central Government. The only things they cannot regulate are births and deaths. They cannot regulate how many people should be born or how many people should die. An hon. Member: 'Family planning.') Of course family planning is a novel thing. I do not know whether it will have any

7th April 1955] [Sri V. Chakkarai Chetty]

effect upon the population question. That question really depends upon the goodwill and character of the individuals composing the State. It is all right for the Government to come forward and say that they are going to regulate the exhibition of certain pictures by constituting authorities to go into the matter of issuing licences. It may be possible for the Government to eliminate certain bad films. But that is not what is required. What is required is that good films should be produced. Good films cannot be produced by mere elimination of bad pictures. It is the duty of the Government to ask people to produce good pictures. But, this subject has not been brought forward in this Bill. Production of good pictures depends upon the general educational status of the people. I, therefore, ask the Government whether they have devoted any attention to the positive aspect of producing good films. But, there is no provision in this Bill to carry out this object. I also join my hon. Friend Sri V. Gurusundaram Row in voicing the objection that there should be no undue restriction placed on the freedom of the individual. I should certainly think of supporting this Bill provided it is free from the objections that have been pointed out by my hon. Friend Sri V. Gurusundaram Row and provided that the Government take upon themselves the responsibility of producing good films. If film producers are not able to produce good films, it is the duty of the Government to institute some proper machinery for producing good films. It is possible for the Government to do so. They are producing good documentary films and I do not see any reason why they should not produce good films by setting up certain institutions where experts can be employed for producing good films. With these words, I half-heartedly support this Bill although I do not believe that as a result of passing this measure good films are going to be produced."

SRI MOHAMED RAZA KHAN :—" Mr. Deputy Chairman, Sir, I support the principles of this Bill. I wish to point out, as usual, that it would have been better if this Bill had been referred to a Joint Select Committee of both the Houses, because this is not a Money Bill.

" I wish to say a few words with regard to clause 5 of the Bill. Item (b) of sub-clause (1) says: 'the status and previous experience of the applicant.' I understand that only persons who have enough capital can venture to put up a cinema house. It ordinarily requires an expenditure of two to three lakhs of rupees for putting up a cinema house. A person without any financial backing will not be foolhardy enough to venture upon opening a cinema house. After all the Government themselves will be very anxious to have as many cinema houses as possible because they will be getting additional revenue by way of entertainment tax if a number of cinema houses are opened newly. As per the provision made in item (b) of sub-clause (1), only those who are owning cinema houses already or who are proprietors of touring cinemas are

[Sri Mohamed Raza Khan] [7th April 1955]

entitled to take out licences and not new comers. I do not know for what purpose this item has been put in. I hope the Hon. the Minister for Education will clarify this point in the course of his reply.

"Then, Sir, item (c) of sub-clause (1) says: 'the suitability of the place where the cinematograph exhibitions are proposed to be given.' I feel, Sir, that the Government should have this right. It is quite possible that the place selected for opening a cinema house may be very crowded and the people living near that place may take objection to the location of the cinema house near dwelling houses. It may not be possible for the Government to amend this provision in the Bill now to make it clear that cinema houses should not also be put up in the vicinity of places of worship like churches, temples, mosques, etc. Perhaps the Government may consider the point whether they can do so in the rules they are framing under this legislation. As far as possible, the Government must see that cinema houses are not opened in the vicinity of temples, mosques, churches, etc.

(At this stage, the Hon. Chairman occupied the Chair.)

"The most controversial clause in this Bill is clause 6 which deals with the power of the Government to issue directions. I also went carefully through the report of the Select Committee. Though cinema proprietors feel that the Government are taking powers to compel them to exhibit films of scientific or educative value, I for one do not feel that there is any compulsion involved. I do not go to pictures often and I attend pictures very rarely. But I know from experience that people who attend cinemas like these films dealing with news, current events, etc., because they are of educative value. In fact the Hon. Minister for Education has stated that he is making representations to the Central Government that they should give proper snaps of the events, educational and other, of our State. Therefore, when that is done we can have no valid objection.

"With regard to the question of compulsion that the cinema-owners should show educational films not exceeding 2,000 feet, I feel it is a good thing. The other day replying to a question in the Lok Sabha the Hon. Minister in-charge of Information and Broadcasting said that he has received a large number of representations from institutions and individuals asking why the exhibition of educational films has been stopped in the State of Madras; that under the provisions of the existing Act the Government could not compel them and that the Act is going to be amended so that all the cinema-houses in the State of Madras will be forced to exhibit educational films. The Hon. Minister also gave figures. An argument was advanced 'If you do not have compulsion, cinema-owners of their own accord will exhibit these films.' I do not think it is possible, as it was stated that out of 300 cinema-houses, hardly 50 or 60 are exhibiting these educational films and out of 200 touring cinemas not more than 15 to 20 are exhibiting these films.

10-40
a.m.

7th April 1955] [Sri Mohamed Raza Khan]

Therefore, Sir, till such time that they themselves take to it, a certain element of compulsion is necessary. The cinema-owners are not paying for it. After all we are paying for it. Last week I saw a documentary film relating to Bhakra dam. People of Madras may not be able to go to that place and it was really worth seeing. There were some snaps of the handloom week also and that will give an opportunity to the Northerners to see what Madras has done in this matter. If we pay Re. 1-4-0 for a particular class we pay a part of it, 2 annas or 3 annas whatever it is, for that particular film and the rest for the other things. Previously in cinema-houses which were showing foreign films, there would not be a show without a foreign documentary film. Therefore, there is no reason why we should not see our own films of educative value, particularly when the State is aiming at a Welfare State, and when there are so many other activities. I hope the cinema-owners themselves will accept this with good grace.

"An hon. Friend of mine in the other House, Sri Kolkebail, suggested that the Government should insist upon National Anthem being sung in the cinema-houses. At the earlier stages some attempt was made to have it sung at the end of the show and it looked very bad that when the National Anthem was sung people should leave cinema-houses. If the Hon. Minister accepts the suggestion of the hon. Member, I would request him at least to insist under the rules that National Anthem should be sung in the beginning of the show. Because if it is sung at the end, uneducated people may not know what they should do and some of them may innocently walk out when it is sung. So, if it is sung at the beginning it will create in the minds of the public, particularly the lower-middle class and middle-class people who visit the cinemas, a habit of respecting the National Anthem.

"On the whole, there may not be many objections to this Bill. With regard to the fear of my hon. Friend Sri Gurunandan Row that the Government may refuse licences, I feel that the Hon. Minister for Finance who is anxious to have as much money as possible for the coffers of the State Government will be the last man to refuse licences, provided these conditions are fulfilled. (Interruption.) The officers also know the mind of the Government. Therefore, Sir, I support this measure."

SRI K. BALASUBRAMANYA AYYAR:—"I welcome this Bill, but I want to make one or two criticisms. In clause 5 various reasons for refusing a licence have been enumerated. One of the considerations that will apply for the purpose of granting a licence is 'the interest of the public generally' and it will cover a large number of cases. It is better to specify some of the cases at least, so that it may be of educative value to all those people. Films can always be used for good purposes as also for bad purposes, just as all scientific discoveries nowadays can be used for good purposes and also for bad purposes and even atomic energy,

[Sri K. Balasubramanya Ayyar] [7th April 1955]

they are thinking of controlling. Therefore, it is better to have a control in respect of films also. As stated by the hon. Member Sri G. Krishnamoorthi, for example there may be films tending to spread corruption and impairing the morals of the community or of introducing anti-social elements, so that there may be disaffection between community and community. All these things may be generally stated, so that they may be taken into consideration in granting or refusing the licence.

" Another consideration, ' the suitability of the place where the cinematograph exhibitions are proposed to be given '. I think this is very vague. In very important residential localities licences for cinemas should not be given. For example, those who are living in Luz Church Road are sufferers in this respect. Every-day nobody can sleep till 2 o'clock. It is better to suffer from insomnia. There is lot of noise till 2 o'clock. It is not also good for the poor people who have worked during the whole day and it is deleterious to their health. These things should be taken into consideration. Where the majority of people object to any cinema-house being run in a particular locality, licence should not be granted. We all objected to a cinema being located in our locality, but nobody cared. Therefore, I would like to suggest that this aspect also may be taken into consideration. Something may be specified, as the phrase ' suitability of the place ' is general, so that it may be a guide for the people who apply for licence. Instead of suspending the exhibition of a film which is likely to cause a breach of the peace, the Government can very well refuse to grant licence in such cases.

" Clause 6 of the Bill is rather hard, as the licensees are compelled to exhibit films of educative value, etc. There is no provision for paying them any compensation for exhibiting the educational films. (Interruption.) They have themselves to do it and thank themselves. It will be rather hard. But it is in consonance with the taking away of the general spirit of Articles 31 and 19 of the Constitution and therefore, it will be a cry in the wilderness to talk about Constitution. They can do anything under the circumstances. I have come to the conclusion that right of property has become illusory hereafter under this Constitution. It is unnecessary to talk about rights of property, compulsion and so on. They have taken power to do it and they can do it. I hope and trust that Government will consider giving some compensation to people who are forced to show educational films. The hon. Member Sri Raza Khan said that they will all pay. But people will not go to scientific or educational films. That is the difficulty. Therefore, cinema proprietors will stand to loose. I am perfectly sure that our people generally do not want any real education from these films, but rather recreation and pleasure and that is their chief object in going to the films.

Under Clause 8, I suggest the penalty may be rigorous imprisonment for one month or so, or else people will have the

7th April 1955] [Sri K. Balasubramanya Ayyar]

heroism to break the law and go on continuing to break the law. They can very well pay a fine of Rs. 100 or so because they will be getting Rs. 1,000 by breaking the law.

"I am glad that at least in this Bill it has been put in that the rules will be placed on the table of both the Houses of the Legislature. It was not the case in regard to other Bills. 10-50 a.m.

"These are some aspects of the matter that I wanted to place before the Hon. Minister for consideration."

* SRI A. M. ALLAPICHAJ :—"Mr. Chairman, Sir, there has been some difference of opinion about this Bill quite legitimately because some of the hon. Members feel that whatever is shown in cinema-houses sometimes leads to the formation of bad character. I think there is some force in that argument, but one thing we have to remember. These film-producers are there to make money. Perhaps the Government also expect to take some money out of it. The chief object of these film-producers is to make money. No doubt, incidentally, there is also an attempt at social reform. Sometimes the tyranny of zamindars and things like that are depicted and sometimes the behaviour of bad, rich people is depicted. But we have to remember that all these films are produced by third-rate men. I am not talking from the technical point of view. From the technical point of view, it may be that they are produced by first-class men. But as far as the material is concerned, it is not good. For example, let us take Shakespeare's works like Othello and Julius Caesar. An author like him has not produced any such thing which is shown in our cinema-houses. What happens here is this. Some producers get at a number of hacks; someone is asked to do something and some other man is asked to do something else. Thus, some kind of a chow-chow is created. What the result is, we know. The fact is that a producer himself, first of all, makes up his mind. He decides what kind of picture will bring some profit. With that object in view, he produces some picture. As our Friends Sri Balasubramanya Ayyar and others have put it, sometimes those pictures are very low. Therefore, the Government also must feel their responsibility in respect of this matter. If stories are written by really good, honest and learned men, things will be better. But they are not done so now. As a matter of fact, very bad things are depicted merely because the authors do not have any training. Therefore, if the Government see that in producing these films learned men also have a share, then things may improve. But as it is now, the writer of the story may not even be known. On the other hand, a film star may get a fee of a lakh of rupees. The author of the story may get not even Rs. 500. There may be a little exaggeration in respect of the figures, but the point is the author gets very little money. Supposing a man like Shakespeare is living and he produces a picture like Othello, I do not think the producer will go to him and take

[Sri A. M. Allapichai]

[7th April 1955]

from him a film. Great men won't descend to the low level of writing. Therefore, it is the imperative duty of the Government to see that the tone of the films is raised.

"The hon. Member Sri Krishnamoorthi wants to make the whole society puritanic. It is not possible in the twentieth century. As a nation, we cannot be other-worldly-minded. We cannot now think of puritanic days. What harm is there if there is a picture unless it be a wicked picture? The Government must see that the authors are helped. The educated people are ignored in every section of the society. It is the imperative duty of the Government to see that educated people also have their share in the good things of the world and of the country."

* SRI K. BHASHYAM :—"Mr. Chairman, Sir, I am not going into the merits or demerits of the Bill. Much has been said about them. I would like to have some information on one or two provisions of this Bill. Clause 3 of the Bill says—

... no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act, or otherwise ...

I would like to know whether it will not really affect any private exhibitors. People may have in their own houses some plays enacted or cinema film exhibited to their own friends and relations for entertainment. According to the clause, even they should possess a licence for the purpose. There are places where Medical Colleges hold exhibitions of surgical operations and other things. There are also small exhibitions in various schools and colleges in respect of the subjects taught therein. Therefore, unless we make the provisions of the clause clear, it will affect a number of people. Of course, it may be said that the Government are not going to take serious notice of such exhibitions. I daresay it may be so. But what will happen if some cantankerous person or a policeman takes it into his head to prosecute a person who wanted to or did exhibit privately such a thing as this? Therefore, the word 'otherwise' must be made clearer than what it is now.

"So far as clause 5 is concerned, while every facility is given to all other persons, that is to say, for the other exhibitors in the place, any local authority or police authority to make representations, why not the representatives of the residents of the locality be given an opportunity to make such representations? They may object or they may not object. But supposing a licensing authority refuses to grant a licence on the sole ground that the people of the locality object to such a grant, the aggrieved person may go to Court by means of a writ petition saying that the opinion of the residents of the locality is not one of the factors to be taken into consideration under this Bill. Then the Court may quash the order of the licensing authority. Therefore, the Government must put in a clause that any representation by the residents of the locality must also be considered before granting a licence.

7th April 1955]

[Sri K. Bhashyam]

“ One more point and I have done. Sub-clause (4) of clause 5 says—

‘ The Government may issue such orders and directions of a general character as they may consider necessary, in respect of any matter relating to licences for the exhibition of cinematograph films, to licensing authorities; and every licensing authority shall give effect to such orders and directions.’

It is too vague and indefinite, according to me, to be supported in a Court of Law. The discretion is so wide and absolute that anything can be done under the shelter of the clause. But there are certain persons who may try to see that such instructions that may be issued in the form of rules are quashed. The discretion is so arbitrary that it may not be possible to uphold the orders.

“ These are the points I would like the Hon. Minister to consider. If it is not possible to do anything immediately, necessary steps may be taken at a later stage.”

* DR. A. SREENIVASAN :—“ Mr. Chairman, Sir, I rise to oppose this Bill and that for a good reason. My speech also will be limited. It is this. Hon. Members have been waxing eloquent about the educative and utility value of the approved films. I am not a regular cinema-goer. Occasionally I go to pictures. I have always thought that it is an infliction on the intellect of the audience to show these approved films to them. Only imbeciles can think of getting any education from the exhibition of such films. Only they can think of developing their intellect through this auditorial or visual education. I consider it a terrific infliction at any rate. Every time I went to the theatre, I went fifteen or twenty minutes late so that I might not be insulted by the exhibition of such films. If the Government think of improving the sanitation of theatres or do some such thing, I can appreciate it. But I go to the cinema-house for the purpose of witnessing a particular picture and I never bargain for this infliction of witnessing the so-called approved films. But the Government are trying to intervene between me and the cinema-owner. This is something not liked by anybody.”

* SRI T. PURUSHOTHAM :—“ Mr. Chairman, in supporting this Bill, I wish to state that cinema having come to stay, the exhibition of films should be regulated. In doing that, I feel, there is no restriction placed on the freedom of the individual, as has been stated by the hon. Member Mr. Gurunandan Row. I believe the Bill relates to public shows only and that it will not affect private shows of films. For instance, the other day, on the Legislators' Hostel Day we had a cinema show in Rajaji Hall. I believe such shows will not be prohibited under this Bill. If there is no provision against the free exhibition of such shows, I am sure the Government will issue very clear instructions in the matter of exempting private shows from the operation of the Bill.

“ The provision in the Bill for the exhibition of educational and scientific films and documentaries should be welcomed because cinemas are spreading to the villages also. Provision of recreational facilities in rural areas is also stressed as an item of our

[Sri T. Purushotham]

[7th April 1955]

village development schemes. Mahatma Gandhi in his plan of a model village has said that there should be recreational facilities in the villages. Though he did not particularly mean cinemas I would urge that there should be strict regulation of cinema shows now that they are spreading to all interior places.

“It is a patent fact that there are no permanent cinema theatres in rural areas. Therefore, some facilities should be provided to touring cinemas to exhibit their shows in the villages. As it is there is great difficulty and hardship experienced by touring cinema-owners in getting licences for exhibiting films under the Cinematograph Act. The difficulties and hardships experienced by these touring cinema-owners should be considered and remedied by the Government by simplifying the procedure now laid down for obtaining licence. The applications for licence are referred to so many agencies. First, application has to be made to the District Board or the Panchayat Board, as the case may be and they in turn send the applications to the District Health Officer who sends them on to the health inspector. On their report, the concerned Board has to sanction the grant of a licence under the Places of Public Resort Act and also to accord permission for installation of the necessary equipment under the Local Boards Act. Then the District Collector has to be approached for a licence under the Cinematograph Act. Before that, the Fire Officer of the district has to be consulted and the local police, the electrical inspector and the Taluk Magistrate have to furnish reports. Then according to the proposed legislation, for the exhibition of documentaries, etc., the Films Division of the Ministry of Information has also to be approached for a certificate. After running up and down to these various authorities, the licence that is issued is only for six months. Recently, the Andhra Government passed orders to the effect that licence be issued to touring cinemas for a period of one year. I request that the same provision may be introduced in this State as well because these touring cinemas are taking films to remote villages and exhibit them for after all a low charge. Some relief should be given to them. Then, to avoid the delay in the grant of licences, I feel that the licensing power should be vested in one authority and not in so many authorities that we have at present. Of course, the reports of the District Health Officer on the public health condition of the place and of the electrical inspector have to be obtained. But I feel that there should be only one authority to be approached for the grant of a licence. Then as I have already said, the period for which a licence is to be valid should be one year and not six or three months as it is at present. I would suggest that the Government may take into consideration all these suggestions when they frame fresh rules under the present legislation. With these remarks, I support the Bill.”

* SRI A. GAJAPATHY NAYAGAR :—“Mr. Chairman, this Bill provides for the regulation of exhibitions by means of cinematographs in the State of Madras. It has come so close upon

7th April 1955] [Sri A. Gajapathy Nayagar]

the passing of the Dramatic Performances Act that I am wondering as to what the State is proposing to do in the matter of regulation of exhibition of films and dramatic performances. This State declares itself a secular State and forswears all religion. Having said so, it now comes forward as the custodian of the morals of the people and in that view wants to regulate these things. I am afraid, the State in its care for the morals of the people, will play into the hands of diehards who want always the *status quo* to remain and who want always to stick to the past. The State, in its zeal for protecting the past, will stand in the way of progress and the making of an advanced welfare society.

"Now, apart from the question whether there should be any regulation in the matter of public entertainments, I want to know whether a licence is required for the exhibition of a film in a private house. In clause 2, item (5), 'place' is defined as including a house. Suppose I take photographs of a ceremony or a big procession or a conference and want to show the film to certain persons in my own house. I want to know whether I should take out a licence for it. I do not collect any fee for the exhibition. I want a clarification on this point.

"Then, Sir, in the matter of law-making, the principle must always be 'certain things should not be done' and not 'certain things should be done'. It is always a question of prohibition of certain things and not otherwise. The danger comes this way. The Government may introduce approved films which the public may not like to see. As I have often said, the proof of the pudding is in the eating of it. (Sri Mohamed Raza Khan: 'Where is the pudding?') That is what I say. The Government are trying to enforce certain things to the detriment of the free expression of the individual. As I said last time, everything depends upon the working of the Act. The more laws you make, the more they are observed in the breach rather than in the observance. We find that public become corrupt in their morals by these laws or rules. That is our sorry experience. The more rules we pass, the more we find the public becoming corrupt to the core in their morals.

11-10
a.m.

"Even though you want to enforce so many things, you have failed very badly in not enforcing the rule of National Anthem. I find people, especially Government servants, moving about when the National Anthem is being sung. With some photograph or other, people are moving about when National Anthem is played. In cinema houses, when the National Anthem is being sung, people move about, without observing the rule to stand in veneration when the National Anthem is being sung. Therefore Government could at least do one thing. Let them enforce the rule with regard to National Anthem. Let it not be disobeyed. With these words, I oppose the Bill."

THE HON. SRI C. SUBRAMANIAM:—"In considering this Bill, we have to bear in mind the scope of the Bill and also the

[Sri C. Subramaniam]

[7th April 1955]

scope of the legislative authority of this House. Hon. Members may be aware that Item 60 in the 7th Schedule (List I) of the Constitution relates to the sanctioning of cinematograph films for exhibition. Therefore sanctioning of cinematograph films for exhibition is purely a Union subject. Therefore the censorship of films and what should be the contents of the films is exclusively a Union subject. We can have nothing to do with that. The Centre has passed legislation concerning that and they have set up machinery to administer that Act.

“ Sri Gajapathy Nayagar said that in a secular State the morals of the people are being infringed by these laws. We are not concerned with that. According to Mr. Gajapathy Nayagar, a secular State should have no moral basis. That seems to be the impression which he gave me. Let me say to Sri Gajapathy Nayagar that that is a wrong impression. (Sri Gajapathy Nayagar: ‘I want more moral freedom and not moral instruction.’) I do not know what he means by that. Whatever it is, we are not concerned with that. What we are concerned with is Item 33 in the Second List, viz., the State List. We are concerned with theatres and dramatic performances and cinemas (subject to the provision of Entry 60 of List I, viz., Union List), entertainments and amusements. These are things with which we are concerned. Therefore consorship of films does not come under our control. But we can regulate the exhibition of films whenever necessary. A large number of people gather for seeing these films in the theatres, and therefore the State has got to see that proper sanitary arrangements, safety arrangements and other things are made available in the theatres and there is no danger either to the public health or to the law and order position. We should also see that no nuisance is caused to others. All these factors will have to be taken into consideration. That is the first thing. The second thing is, can we licence an unlimited number of theatres? That also will have to be taken note of. A large investment is required for setting up a theatre. That means very large investments from our national resources are being utilized for putting up these theatres and for the purpose of installing the necessary machinery in the theatres for exhibiting the films, which machinery have got to be imported necessarily from abroad, that is, from foreign countries. All these will have to be taken into consideration. These things were squarely put to the persons who came to offer their evidence when this Bill was being discussed by the Select Committee. Of course there was the suggestion from the section which represented producers that there should be unlimited number of theatres. I could understand their point of view. But as far as the exhibitors are concerned, they expressed the view that there should be some sort of restriction. Because there is an impression that this is a paying business, a large number of theatres might be constructed, even though they may not be necessary to meet the demands of the public in a particular area. Therefore Government should take into consideration the necessity for further theatres in any particular locality. Taking into account

7th April 1955]

[Sri C. Subramaniam]

the population in a particular area and the necessity for sufficient number of theatres to meet the public demand in that particular area, further licences should be given or refused according to the merits of the case. That is why necessary provision for that has been laid down under Clause 5 of this Bill. After all we cannot allow unrestricted competition in an industry wherein large investments are necessary. Take for instance, the industrial sector. Licensing is there for various trades. Some sort of regulation is necessary because large capital investment is there. We cannot allow unrestricted competition in a field wherein a large investment is necessary. That is why so far as these theatres are concerned, we have to take into account the requirements of each particular area and the number of theatres have to be restricted consistent with the public demand. That is the view that has been expressed and that is why we have laid down the formula in Clause 5 with reference to already existing theatres. It is not as if we want to go into the entire regulation and we want to impose restrictions so much so it may not be possible to run films at all. That is not our idea. The hon. Member Mr. V. G. Row was putting it on the basis that it will be infringing upon one of the fundamental rights, viz., the freedom of expression. Sir, what we have done now should not mean any curtailment of freedom of expression. After all we know that nobody can own a car without a licence. But that is not an infringement of freedom of movement. As far as walking is concerned, no licence is necessary. So also when an expression is made through a medium, the means adopted for the purpose of that expression should be taken into consideration. Whether it is for the sake of oneself or for doing propaganda will have to be taken into account and then necessary restrictions will have to be placed. For example take an aeroplane. A greater restriction has got to be imposed while granting licences for flying, because it involves the lives of many who travel by the plane. A slight defect would mean the danger of the lives of those travelling by the plane. So also the medium of propaganda. Suppose a person takes a picture and goes on taking it in the streets, certainly it requires no licensing, provided it is not indecent. But with reference to powerful expressions of propaganda which are instituted through the Printing Press and exhibition of films, there should be some sort of regulation in the interest of the public because of the very nature of the medium used for propagating these things. That is where the State comes into the picture.

“ As far as Clause 3 is concerned, it will have to be read along with Clause 11 wherein the power to exempt certain classes of films is given. Taking into consideration the cinematograph industry as a whole, Government think it necessary to have some regulation with regard to exhibition of films. For private exhibition of films in houses and in educational institutions, we may say no licence is necessary. Exemption may be given in those cases. In due course we would consider those things and where we feel that exemptions may be given, necessary exemptions will be given. In

[Sri C. Subramaniam]

[7th April 1955]

fact under Clause 11 the power to exempt certain classes of films is given to Government. Therefore, I say it is in the public interest to have some sort of regulation in respect of these cinematograph films.

“ A point was raised as to why Government should issue general instructions under sub-clause 4 of Clause 5. Formerly it was Government who had appellate powers. They had the power to interfere in each individual case. We have now decided that Government need not interfere with quasi-judicial functions and interfere in individual cases. Therefore Government would hereafter only lay down general policies. I am answering the point raised by Mr. Bhashyam also. We cannot go beyond the scope of the Act. We have to act within it. We would lay down general policies which will be followed by the various licensing authorities. These general instructions cannot go beyond the scope of the Act itself. Suppose while granting a licence, some of the provisions of the Act have been ignored by a licensing authority. Therefore it would be better for Government to lay down general policies to be followed by the various licensing authorities while granting licences. Suppose there is an area wherein the population is, say, 10,000. I am only giving an instance. It may not be quite accurate. Suppose there is no large influx of floating population in that area. One theatre may do for that particular area. It may not be necessary to increase the number of theatres in that particular area. We lay down general principles. So, we can only issue general directions, not with reference to particular cases. I thought that should be more welcome than the revisional power of the Government according to which the Government will have power to interfere in individual cases. My own view is that in all these cases, where the interpretation of the statute is involved or where the grant of a licence is involved, Government should not come into the picture either as an appellate authority or an authority having revisional powers. So far as individual cases are concerned, the Government must have power only to lay down general policies. It is the Tribunal concerned which should have the power either to interpret the statute in respect of the grant or refusal of a licence. If there is any infringement, there is the judiciary which will ultimately interfere in the matter on a writ petition and give its verdict. I think we have made a change in the right direction by abolishing the revisional powers of the Government and saying that the Government will have powers only to issue general directions and lay down policies.

“ Then, with reference to the location of the theatres in residential areas and all those matters, we will certainly take into consideration all the points mentioned by hon. Members when we frame rules wherein we may lay down the principles which should govern the selection of a suitable place. I do not think we can lay down in the Act itself a provision with regard to the suitability of the place. I think it has to be regulated by the rules.

7th April 1955]

[Sri C. Subramaniam]

“ Sir, I am glad Dr. Sreenivasan is here. He said that these documentaries were an infliction. I am not surprised that he has found the documentaries and other educative films an infliction, because, these things are intended for normal, average people and not for abnormal people like Dr. Sreenivasan.”

DR. A. SREENIVASAN :—“ Do you mean pathologically ? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, Dr. Sreenivasan is more intelligent than the average people. In that sense I said that he was an abnormal person. These documentaries are intended for normal, average people. They want these films and they appreciate them, as was represented by the hon. Member Sri Raza Khan. If Dr. Sreenivasan does not want to see these films when he enters into a theatre, he can very well shut his eyes when those films are exhibited or he may enter the theatre at a later stage, i.e., after these films had been shown. As a matter of fact, these films are necessary and useful to the ordinary people, most of whom are uneducated and are not as intelligent as Dr. Sreenivasan, who thinks that he is above all things, modern, old, ancient or whatever it is. We are not concerned with such people. We have to cater to the ordinary people, the average people. It is for the advantage of the ordinary, average people, some arrangement must be made. Dr. Sreenivasan is not an ordinary person. It is in that sense I have said that he is an abnormal person.”

MR. CHAIRMAN :—“ Not pathologically ? ”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, therefore, there can be no valid objection to the passing of this measure. We have taken into consideration the various aspects. Of course, by experience we may learn something more and it may be necessary to make some more changes at a later date and that will be done by our successors who may be in office at that time. We think that this is a very reasonable provision that we are making for the purpose of regulating the exhibition of films in the interests of the community as a whole.

“ With reference to the other points referred to by the hon. Member Sri Krishnamoorthi, particularly with reference to advertisements, I may state that unfortunately it will not be relevant to consider them in this Bill. I am in agreement in a large measure with all the ideas that he expressed with reference to advertisements and with reference to films that are likely to affect the juvenile mind. But those are not the things with which we are concerned now in this Bill. Moreover, it is the Central Government who have to come into the picture so far as those matters are concerned. Under these circumstances, I request the House to pass this measure as it is. As we gain experience, if we think that it is necessary to make further amendments, we will certainly make further amendments as and when they are found necessary.

“ As for other matters, whether it is within the powers of this Legislature to pass this Bill or whether this measure does not offend

[Sri C. Subramaniam]

[7th April 1955]

the fundamental rights guaranteed under the Constitution and other matters, we are advised that we are within our powers in bringing forward this measure and that this will not offend the fundamental rights guaranteed under the Constitution. If in spite of the advice given by our law officers, the Courts should think otherwise, we are always bound to come before the House. After all, we are to be guided by our law officers. If the hon. Member Sri Gurunandan Row should think that our law officers are not competent, it is a matter of opinion. As far as we are concerned, we have been advised by our law officers that we are within our powers. Therefore I request the House to pass this measure."

MR. CHAIRMAN :—" The question is—

' That the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be taken into consideration.' "

The motion was carried and the Bill was taken into consideration.

Clause 2.

SRI K. BALASUBRAMANYA AYYAR :—" Mr. Chairman, in clause 2 (2), it is said, ' District Collector ' in relation to the presidency-town, means ' the Commissioner of Police, Madras ' ; Sir, the expression ' presidency-town ' can no longer be used. It was used in the old British days. I only wish to point out that, under the present context, such a term cannot be used."

THE HON. SRI C. SUBRAMANIAM :—" Sir, I do agree that strictly it is wrong to use that term. It may, however, be used here as it carries the sense. In other matters, we shall see that that term was not used.

Clause 2 was put and carried.

Clauses 3 to 12 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM :—" Sir, I move—

' That the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be passed.' "

MR. CHAIRMAN :—" Motion moved—

' That the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be passed.' "

* SRI K. BHASHYAM :—" Sir, as regards the power taken by the Government in respect of the general rules to be framed, I wish to remind the Hon. Minister that there is a similar provision in the Motor Vehicles Act. Directions were issued from time to time in respect of each particular case and the matter had really to be examined by the Judges and some of their remarks were not quite complimentary. I only request the Hon. Minister to look into the matter and frame the rules as early as possible."

7th April 1955]

THE HON. SRI C. SUBRAMANIAM :—“ Sir, I may assure the hon. Member that as long as I am responsible for this, no interference in individual cases will be resorted to. Our intention is only to lay down general policies for the guidance of the licensing authorities. As a matter of fact, that is our intention in respect of the Motor Vehicles Act also. I thought that the criticism with regard to that Act was with reference to the orders passed under section 64-A which has now been revoked. (Interruption.) It is not with reference to section 43-A or any other section. There has been criticism only with reference to the orders passed under section 64-A which has now been annulled.”

MR. CHAIRMAN :—“ The question is—

‘ That the Madras Cinemas (Regulation) Bill, 1954 (L.A. Bill No. 52 of 1954), as passed by the Assembly, be passed.’ ”

The motion was carried and the Bill was passed.

(2) THE PRESIDENCY SMALL CAUSE COURTS (MADRAS AMENDMENT)
BILL, 1955 (L.A. BILL NO. 8 OF 1955).

THE HON. SRI C. SUBRAMANIAM :—“ Mr. Chairman, I move—

‘ That the Presidency Small Cause Courts (Madras Amendment) Bill, 1955 (L.A. Bill No. 8 of 1955), as passed by the Assembly, be taken into consideration.’ ”

SRI K. BHASHYAM :—“ Sir, I thought that the Court Fees Bill will be taken up before this Bill.”

MR. CHAIRMAN :—“ I think it was decided to take the Bills in the order in which they are given in the Agenda.”

THE HON. SRI C. SUBRAMANIAM :—“ Sir, this Bill is a very simple one. Whatever objection was there to this Bill, was removed by the amendment made to the Bill in the Assembly with reference to the scale of court-fee payable. There was no provision for the collection of court-fee in cases of pauper suits even when the plaintiffs succeeded in the Presidency Small Cause Courts. That is being amended now. Then with reference to the scale of fee, a special scale of fee was prevalent in these courts. As a matter of fact as high a rate as Rs. 2 up to amounts of Rs. 200 was collected. Over and above that 11½ per cent was collected, up to Rs. 2,000. Above that there was another scale. Now we have passed in the Assembly the Court Fees Bill. That will be coming up before this House a little later. Since that is also coming up we have made the rates uniform and said that 7½ per cent will be the rate in respect of these courts also. This rate having been accepted by the Assembly, I do not think there will be any serious objection to the passing of the Bill here.”